

**Department of General Services**

# **2003 Legislative Session Summary**

**DGS Office of Legislation**  
**November 2003**



## **TABLE OF CONTENTS**

<b>FORWARD</b>	<b>2</b>
<b>OFFICE ACRONYMS</b>	<b>3</b>
<b>LEGISLATIVE SUMMARY OF BILLS ENACTED IN 2003</b>	<b>4</b>
<b>INDEX OF CHAPTERED BILLS</b>	<b>5</b>
<b>CHAPTERED BILLS</b>	<b>9</b>
<b>LEGISLATIVE SUMMARY OF BILLS VETOED IN 2003</b>	<b>40</b>
<b>INDEX OF VETOED BILLS</b>	<b>41</b>
<b>VETOED BILLS</b>	<b>42</b>

## **FORWARD**

This report provides an overview of legislation that affected the Department of General Services (DGS) in the year 2003.

During the first half of the 2003-04 Legislative Session, the DGS Office of Legislation monitored and reviewed over 3,233 measures and provided an assessment on over 195 bills. The following is a summary of the bills with particular significance to the department that reached the Governor's desk.

We appreciate everyone's contribution in our successful representation of departmental legislative matters before other state agencies, the Legislature, and the Governor. As always, we cover a broad range of topics, to meet the mission of our diverse department.

We look forward to the second year of the 2003-2004 Legislative Session and working together with the varied interested parties to achieve positive outcomes. If you have questions regarding this summary or would like additional information, please contact Carol Ferreira at (916) 376-5045 or on the Internet at [cferreira@dgs.ca.gov](mailto:cferreira@dgs.ca.gov).

**GARY LONGHOLM, Acting Assistant Director-Legislation**  
**Department of General Services**

## **OFFICE ACRONYMS USED IN THE 2003 LEGISLATIVE SUMMARY**

<b>AUDITS</b>	<b>OFFICE OF AUDIT SERVICES</b>
<b>BPM</b>	<b>BUILDING AND PROPERTY MANAGEMENT BRANCH, REAL ESTATE SERVICES DIVISION</b>
<b>CVCGCB</b>	<b>CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD</b>
<b>DSA</b>	<b>DIVISION OF THE STATE ARCHITECT</b>
<b>OFA</b>	<b>OFFICE OF FLEET ADMINISTRATION</b>
<b>OFS</b>	<b>OFFICE OF FISCAL SERVICES</b>
<b>OHR</b>	<b>OFFICE OF HUMAN RESOURCES</b>
<b>OL</b>	<b>OFFICE OF LEGISLATION</b>
<b>OLS</b>	<b>OFFICE OF LEGAL SERVICES</b>
<b>MS</b>	<b>OFFICE OF MILITARY SUPPORT</b>
<b>OPSC</b>	<b>OFFICE OF PUBLIC SCHOOL CONSTRUCTION</b>
<b>OSP</b>	<b>OFFICE OF STATE PUBLISHING</b>
<b>PD</b>	<b>PROCUREMENT DIVISION</b>
<b>PM</b>	<b>PROJECT MANAGEMENT BRANCH, REAL ESTATE SERVICES DIVISION</b>
<b>PS</b>	<b>PROFESSIONAL SERVICES BRANCH, REAL ESTATE SERVICES DIVISION</b>
<b>TD</b>	<b>TELECOMMUNICATIONS DIVISION</b>

# **LEGISLATIVE SUMMARY OF BILLS ENACTED IN 2003**

**UNLESS OTHERWISE INDICATED, THESE STATUTES  
WILL BE EFFECTIVE JANUARY 1, 2004**

## INDEX OF CHAPTERED BILLS

<b>AB 14 (Horton, Jerome)</b> Public contracts: job order contracting .....	9
<b>AB 17 (Kehoe)</b> State contracts: acquisition of goods or services .....	9
<b>AB 76 (Corbett)</b> Employment discrimination.....	9
<b>AB 142 (Kehoe)</b> San Diego River Conservancy: real property .....	10
<b>AB 205 (Goldberg)</b> Domestic partners .....	10
<b>AB 256 (Kehoe)</b> Public works: state projects and property.....	11
<b>AB 264 (Mullin)</b> Surplus school property: use of proceeds.....	11
<b>AB 268 (Mullin)</b> State employment: supervisorial training .....	11
<b>AB 296 (Oropeza)</b> State and local government .....	12
<b>AB 302 (Chan)</b> Polybrominated diphenyl ether .....	13
<b>AB 324 (Diaz)</b> Public works: labor compliance programs .....	13
<b>AB 352 (Goldberg)</b> Domestic violence: probation conditions .....	13
<b>AB 375 (Bermudez)</b> State employees; memoranda of understanding .....	14
<b>AB 385 (Nakano)</b> State employees: salary or wages: itemized statement .....	14
<b>AB 413 (Goldberg)</b> Property transactions .....	14
<b>AB 453 (Yee)</b> Public works contracts: compensation of contractors .....	14
<b>AB 514 (Kehoe)</b> Water meters.....	15
<b>AB 569 (Cohn)</b> Bureau of State Audits .....	16

<b>AB 577 (Horton, Jerome)</b> State employees: dismissed employees.....	16
<b>AB 626 (Liu)</b> Vehicles: 15-passenger vans.....	17
<b>AB 669 (Cohn)</b> Public contracts: disabled veteran business enterprises.....	17
<b>AB 702 (Jackson)</b> State agencies: state and consumer services .....	17
<b>AB 719 (McLeod, Negrete)</b> Public employees' retirement: retirement benefit enhancement.....	18
<b>AB 722 (Matthews)</b> Public contracts: electronic bids: reverse auctions .....	18
<b>AB 807 (Leno)</b> Public works: prevailing wage.....	18
<b>AB 844 (Nation)</b> Replacement Tire Efficiency Program.....	18
<b>AB 846 (Vargas)</b> Smoking: public buildings.....	19
<b>AB 855 (Firebaugh)</b> Telecommunications: access to state property for wireless facilities: California Teleconnect Fund Administrative Committee Fund: Digital Divide Account .....	20
<b>AB 862 (Firebaugh)</b> Personal services contracts: legal services .....	20
<b>AB 902 (Diaz)</b> Public contracts: subcontractor substitution.....	20
<b>AB 976 (Montanez)</b> Victims of crime: authorized representative .....	21
<b>AB 977 (Diaz)</b> State employees: memoranda of understanding: State Bargaining Unit 9.....	21
<b>AB 1008 (Dutton)</b> Public school facilities funding: hazardous materials evaluation and removal.....	21
<b>AB 1124 (Nunez)</b> School facilities maintenance and repair .....	22
<b>AB 1211 (Nakano)</b> Public safety: communication system .....	22
<b>AB 1244 (Chu)</b> School facilities funding: modernization .....	22

<b>AB 1302 (Simitian)</b> Claims against the state: appropriation .....	23
<b>AB 1368 (Kehoe)</b> Bonds .....	23
<b>AB 1407 (Wolk)</b> Solar energy systems .....	23
<b>AB 1545 (Simitian)</b> Environmental quality: public comments .....	23
<b>AB 1570 (Committee on Business and Professions)</b> Public agencies .....	24
<b>AB 1573 (Corbett)</b> School construction: design-build .....	24
<b>AB 1631 (Salinas)</b> School facilities funding: replacement buildings .....	24
<b>AB 1731 (Committee on Housing and Community Development)</b> Buildings and housing .....	25
<b>AB 1754 (Committee on Budget)</b> Education finance .....	25
<b>AB 1756 (Committee on Budget)</b> State government.....	26
<b>AB 1757 (Committee on Budget)</b> State agencies .....	27
<b>AB 1758 (Committee on Budget)</b> Corrections.....	28
<b>SB 15 (Alpert)</b> School facilities .....	28
<b>SB 20 (Sher)</b> Solid waste: hazardous electronic waste.....	29
<b>SB 41 (Bowen)</b> Public contracts: services .....	30
<b>SB 94 (Alpert)</b> Claims against the state: appropriation.....	30
<b>SB 95 (Alpert)</b> Claims against the state: appropriation.....	31
<b>SB 110 (Margett)</b> Public contracts: contract specifications.....	31



<b>SB 179 (Alarcon)</b> Contracts for labor or services .....	31
<b>SB 180 (Burton)</b> Personal Income Tax Law: deductions: California Firefighters' Memorial Fund .....	32
<b>SB 262 (Kuehl)</b> Buildings: access: enforcement.....	32
<b>SB 303 (Torlakson)</b> Local agency facilities .....	33
<b>SB 352 (Escutia)</b> Schoolsites: sources of pollution .....	33
<b>SB 401 (Florez)</b> Legislative investigations .....	33
<b>SB 478 (Dunn)</b> Victims of crime: work absences for judicial proceedings .....	34
<b>SB 552 (Burton)</b> State motor vehicle fleets .....	34
<b>SB 578 (Alarcon)</b> Public contracts: sweatshop labor.....	34
<b>SB 640 (Burton)</b> Public contracts: expatriate corporations.....	35
<b>SB 777 (Escutia)</b> Whistleblowers.....	35
<b>SB 856 (Committee on Governmental Organization)</b> State property .....	36
<b>SB 892 (Murray)</b> School restrooms.....	36
<b>SB 911 (Alpert)</b> Local emergency telephone systems: 911 Administrative Board.....	36
<b>SB 940 (Escutia)</b> Courts: fines and penalties: collection .....	37
<b>SB 973 (Machado)</b> State property .....	37
<b>SB 1008 (Machado)</b> Veterans: contracts: disabled veteran business enterprises.....	38
<b>SB 1009 (Alpert)</b> Use tax collection: public contracts: income tax forms.....	38
<b>SBX1 18 (Chesbro)</b> Education finance .....	39

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 14 (Horton, Jerome)	<b>Public contracts: job order contracting</b>  <b>Summary:</b> Authorizes, until December 1, 2007, job order contracting by the Los Angeles Unified School District. The bill also requires the district to report to the Legislature and to the DGS' Office of Public School Construction regarding implementation of the job order contracting process.	PS PM	889	<i>An act to add and repeal Article 60.3 (commencing with Section 20919) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts</i>
AB 17 (Kehoe)	<b>State contracts: acquisition of goods or services</b>  <b>Summary:</b> Prohibits any state agency from entering into any contract for the acquisition of goods or services with a contractor who discriminates between employees with spouses and employees with domestic partners, or discriminates between the domestic partners and spouses of those employees, in the provision of benefits. The bill applies to contracts with a cumulative amount of \$100,000 or more per contractor in each fiscal year.	PD	752	<i>An act to add Section 10295.3 to the Public Contract Code, relating to public contracts</i>
AB 76 (Corbett)	<b>Employment discrimination</b>  <b>Summary:</b> Rejects a 2002 court of appeal decision which held workers in California are not protected against workplace sexual harassment perpetrated by customers, vendors, and other third parties, and thus harmonizes state and federal law regarding harassment by such persons. Among other things, the bill: (1) clarifies language in the Fair Employment and Housing Act to ensure that under state law employers may potentially be liable for sexual harassment committed against their workers by clients, customers and other third parties if they knew or should have known of the harassment, and failed to take immediate and appropriate corrective action to stop the harassment; and (2) ensures that California's discrimination law is not weaker than federal regarding workplace protections for employees facing harassment by customers and other third parties.	OHR	671	<i>An act to amend Section 12940 of the Government Code, relating to unlawful employment practices</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 142 (Kehoe)	<b>San Diego River Conservancy: real property</b>  <b>Summary:</b> Requires that an acquisition of real property or an interest in real property by the San Diego River Conservancy be acquired pursuant to the Property Acquisition Law.	PS	92	<i>An act to amend Section 32645 of the Public Resources Code, relating to the San Diego River Conservancy</i>
AB 205 (Goldberg)	<b>Domestic partners</b>  <b>Summary:</b> Makes various changes in state law designed to provide domestic partners with the rights and duties of married persons. The bill also contains a provision that would require the DGS to provide notice to state agencies that in the course of reviewing and revising all public-use forms, they reflect domestic partnerships.	PD	421	<i>An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771 of the Government Code, and to amend Section 3 of Chapter 447 of the Statutes of 2002, relating to domestic partnerships</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 256 (Kehoe)	<b>Public works: state projects and property</b>  <b>Summary:</b> This bill, sponsored by the DGS, updates and refines the statutes that authorize the construction of a new state office building (the West End project) in downtown Sacramento and a new office building in San Diego. Further, this bill provides clarification of the continuous appropriation status of the Architecture Revolving Fund to continue unencumbered if the Budget Act is not approved on time. Finally, the measure authorizes a lease with the Amador Regional Sanitation Authority.	PS PM	723	<i>An act to amend Section 8169.6, 14669.15, 14669.16, and 14957 of, and to add Section 14672.100 to, the Government Code, relating to public works, and making an appropriation therefor</i>
AB 264 (Mullin)	<b>Surplus school property: use of proceeds</b>  <b>Summary:</b> Allows certain school districts to transfer 25 percent of the revenue generated from the sale or lease of surplus property into their district's general fund and retain eligibility to receive state funding under the School Facilities Act of 1998. These provisions are repealed on January 1, 2005.	OPSC	891	<i>An act to add Section 17462.7 to, and to add and repeal Section 17462.5 of, the Education Code, relating to public schools</i>
AB 268 (Mullin)	<b>State employment: supervisory training</b>  <b>Summary:</b> Requires that the training provided to newly appointed state supervisors include training on employment law relating to persons with disabilities.	OHR	165	<i>An act to amend Section 19995.4 of the Government Code, relating to state employment</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 296 (Oropeza)	State and local government	OFS OL OPSC OSP PD	757	<i>An act to amend Sections 14612, 22825.01, 25350.8, 25350.85, 25350.10, 25350.105, 26826.4, 26827, 68086, 68933, and 69926.5 of, and to add and repeal Section 14612.2 of, the Government Code, to amend Section 62.5 of the Labor Code, to amend and repeal Section 6611 of the Public Contract Code, to amend Section 40433 of, and to repeal Section 40409 of, the Public Resources Code, to amend Section 97.68 of, and to add Section 97.46 to, the Revenue and Taxation Code, to amend Section 17604 of the Welfare and Institutions Code, and to amend Item 3910-001-0387 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to state and local government</i>
	<p><b>Summary:</b> This budget trailer bill contains a number of clean-up provisions to the Budget Act of 2003 relative to state government administration. Among other things, the bill would do the following:</p> <p>Section 1 continues specified portions of the performance budgeting project with the DGS. The Performance and Results Act of 1993 initiated a pilot project in four departments to test whether performance budgeting could improve program performance, provide greater accountability, and save money.</p> <p>Section 2 provides that no state agency is required to use the Office of State Publishing (OSP) for print projects. State agencies, however must solicit a bid from the OSP when they are soliciting bids from the private sector and the project is anticipated to cost more than \$5,000. In addition, the OSP may offer its printing services to state and other public agencies, including cities, counties, special districts, community college districts, the California State University, the University of California, and agencies of the United States government.</p> <p>Section 9 authorizes the DGS to establish a negotiation process that may be used during various stages of the procurement process when the department procures goods, services, information technology, or telecommunications for itself or on behalf of another state agency in order to achieve savings of \$50 million from the General Fund and \$50 million from other funds.</p> <p>Section 13 requires the Director of Finance to work with the Treasurer, the State Allocation Board, and any other agencies to achieve a combined savings of at least \$50 million in General Fund debt service costs in the 2003-04 and 2004-05 fiscal years.</p>			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 302 (Chan)	<b>Polybrominated diphenyl ether</b>  <b>Summary:</b> Prohibits, on or after January 1, 2008, a person from manufacturing, processing, or distributing in commerce a product or a flame-retarded part of a product containing more than 1/10 of one percent pentabrominated diphenyl ether (pentaBDE) or octabrominated diphenyl ether (octabBDE) by mass beginning January 1, 2008. The bill also requires by March 1, 2004, the Senate Office of Research submit to the President Pro Tempore of the Senate and the Senate Environmental Quality Committee recommendations regarding the regulation of polybrominated diphenyl ether (PBDE), including relevant finding and rulings by the European Union.	PS	205	<i>An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances</i>
AB 324 (Diaz)	<b>Public works: labor compliance programs</b>  <b>Summary:</b> Codifies current state regulations requiring a labor compliance program (LCP) be approved by the Director of the Department of Industrial Relations. Further, the bill modifies the formula that provides reimbursement for increased costs associated with LCPs.	OPSC	834	<i>An act to amend Sections 1771.5 and 1771.7 of the Labor Code, relating to public works</i>
AB 352 (Goldberg)	<b>Domestic violence: probation conditions</b>  <b>Summary:</b> This bill will: (1) increase the minimum, mandatory payment imposed on a person granted probation for a domestic violence crime from \$200 to \$400; (2) increase the county's share of these payments from one-third to two-thirds for county domestic violence program special funds; and (3) decrease the county's share of these payments if the court orders a defendant to pay less than \$200 because of his or her inability to pay the full \$400 payment. These provisions are in effect until January 1, 2007.	CVCGCB	431	<i>An act to amend, repeal, and add Section 1203.097 of the Penal Code, relating to domestic violence</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 375 (Bermudez)	<b>State employees: memoranda of understanding</b>  <b>Summary:</b> Provides for the ratification of a memorandum of understanding entered into between the state employer and State Bargaining Units 1, 4, 7, 10, 11, 14, 15, 17, 20, and 21. In addition, provides that the calculation of "final compensation" for a member in State Bargaining Unit Units 1, 4, 7, 10, 11, 14, 15, 17, 20, and 21 would include the compensation the member would have earned effective July 1, 2003, if a specified five percent reduction had not occurred.	OHR	615	<i>An act to add Sections 20035.4, 20035.5, 20035.9, 22825.12, and 22825.19 to the Government Code, relating to state employees</i>
AB 385 (Nakano)	<b>State employees: salary or wages: itemized statement</b>  <b>Summary:</b> Requires, at the discretion of the employee, a state agency to issue the required itemized earnings statement electronically, rather than in writing. Specifically, this bill specifies that the provision of the electronic statement of itemized deductions shall only be provided based on certain funding contingencies.	OHR	433	<i>An act to amend Section 19849.7 of the Government Code, relating to state employment</i>
AB 413 (Goldberg)	<b>Property transactions</b>  <b>Summary:</b> Authorizes the Department of Parks and Recreation to lease 20 acres which is a portion of the real property known as the Taylor Yard to the City of Los Angeles for public recreation purposes.	PS	677	<i>An act to add Section 5003.18 to the Public Resources Code, relating to state property</i>
AB 453 (Yee)	<b>Public works contracts: compensation of contractors</b>  <b>Summary:</b> Permits a public agency to enter into a competitively bid public works contract when a bid protest is made, pending a final decision on the protest. The bill also allows the contractor to be paid reasonable costs of the work performed, under specified conditions, if the contract is later determined to be invalid due to defects in the competitive bidding process and the contractor had no involvement in causing the contract to be invalidated.	PM	678	<i>An act to add Section 5110 to the Public Contract Code, relating to public contracts</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 514 (Kehoe)	<b>Water meters</b>  <b>Summary:</b> Requires certain urban water suppliers, on or after March 1, 2013, or according to the terms of the Central Valley Project water contract or subcontract in operation, to charge customers for water based on the actual volume of deliveries as measured by a water meter. To meet the requirements of this measure, certain urban water suppliers will need to install water meters on 100 percent of the buildings (non-agricultural) they supply with water.	PS	680	<i>An act to add Section 111 to the Water Code, relating to water</i>



BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 569 (Cohn)	<p><b>Bureau of State Audits</b></p> <p><b>Summary:</b> Clarifies the duties of the State Auditor and the Bureau of State Audits by cleaning up statutory references and makes various other technical and clarifying changes.</p>	AUDITS	107	<p><i>An act to amend Section 156.1 of the Business and Professions Code, to amend Sections 8448, 22217, 22362, 41320, and 62004 of the Education Code, to amend Sections 7604, 8543.1, 8544.2, 8544.3, 8544.5, 8544.6, 8545, 8545.1, 8545.2, 8545.4, 8545.5, 8546.1, 8546.3, 8546.4, 8546.8, 12430, 13297, 13298, 13299, 13299.1, 13405, 16366.7, 53134, and 53138 of, to amend the heading of Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2 of, to amend and renumber Section 8546.5 of, the Government Code, to amend Section 18052.5 of the Health and Safety Code, to amend Section 10359 of the Public Contract Code, to amend Section 2154 of the Streets and Highways Code, and to amend Section 14100.2 of the Welfare and Institutions Code, relating to the Bureau of State Audits</i></p>
AB 577 (Horton, Jerome)	<p><b>State employees: dismissed employees</b></p> <p><b>Summary:</b> Revises certain procedures regarding the re-hire of laid off employees and the process for allowing dismissed employees to take civil service exams.</p>	OHR	836	<p><i>An act to add Section 18941 to the Government Code, relating to civil service</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 626 (Liu)	<b>Vehicles: 15-passenger vans</b>  <b>Summary:</b> Requires school districts, private schools, community colleges, and the California State University to limit operation of 15-passenger vans to persons issued a Class B drivers license.	OFA	559	<i>An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles</i>
AB 669 (Cohn)	<b>Public contracts: disabled veteran business enterprises</b>  <b>Summary:</b> This bill, sponsored by the DGS, is to enhance the integrity of the small business and disabled veteran business enterprise contracting programs. It requires that: (1) small businesses, microbusinesses, and DVBEs perform a commercially useful function on state contracts; (2) defines “commercially useful function” for this purpose; and (3) provides for penalties for violators. It also provides for additional penalties for obtaining a state contract with a fraudulently acquired small business certification.	PD	623	<i>An act to amend Sections 14837, 14839, 14842, and 14842.5 of, and to repeal Section 14838.6 of, the Government Code, and to amend Sections 999, 999.6, and 999.9, of the Military and Veterans Code, relating to public contracts</i>
AB 702 (Jackson)	<b>State agencies: state and consumer services</b>  <b>Summary:</b> Consolidates the California Victim Compensation and Government Claims Board under the jurisdiction of the State Consumer Services Agency and allows the Secretary of the State Consumer Services Agency or his or her designee, rather than the Director of DGS, to serve on the California Victim Compensation and Government Claims Board.	CVCGCB	84	<i>An act to amend Sections 12804 and 13901 of the Government Code, relating to state agencies</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 719 (McLeod, Negrete)	<b>Public employees' retirement: retirement benefit enhancement</b>  <b>Summary:</b> Allows state, local, or school members of California Public Employees' Retirement System (CalPERS), to be eligible to purchase up to five years of non-qualified service in CalPERS. Requires a member making this election to have at least five years of service credit prior to the purchase and to pay the full cost of the purchase.	OHR	838	<i>An act to add Section 20909 to the Government Code, relating to public employees' retirement, and making an appropriation therefor</i>
AB 722 (Matthews)	<b>Public contracts: electronic bids: reverse auctions</b>  <b>Summary:</b> This bill, sponsored by the DGS, would authorize the DGS to conduct on-line reverse auctions for "commercial off-the-shelf" goods, services, and information technology.	PD	266	<i>An act to add Sections 10290.3 and 12101.7 to the Public Contract Code, relating to public contracts</i>
AB 807 (Leno)	<b>Public works: prevailing wage</b>  <b>Summary:</b> Existing law requires that workers on public works projects be paid the prevailing wage. The prevailing wage is the basic hourly rate of pay and includes health, welfare, and pension benefits, vacation, necessary travel time, and subsistence pay.  This bill clarifies that an employer may not credit pension or other contributions against their prevailing wage obligations unless the employer makes the contribution on no less than a quarterly basis.	PS PM	839	<i>An act to amend Section 1773.1 of the Labor Code, relating to public works</i>
AB 844 (Nation)	<b>Replacement Tire Efficiency Program</b>  <b>Summary:</b> Requires the State Energy Resources Conservation and Development Commission to develop a statewide replacement tire efficiency program to promote the use of fuel efficient tires.	OFA	645	<i>An act to add Chapter 8.7 (commencing with Section 25770) to Division 15 of the Public Resources Code, relating to tire efficiency</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 846 (Vargas)	<b>Smoking: public buildings</b>  <b>Summary:</b> Extends the current ban on smoking in state-owned and leased buildings to include buildings owned or leased by a county, a city, a city and county, or a California community college district. The bill also expands the current five-foot non-smoking perimeter around the main entrance, exit, or operable window of a government building to 20-feet. The bill provides that these provisions would not preempt the authority of any local governments and campuses of the University of California, California State University, and the California Community College to impose more stringent non-smoking standards than required by this bill.	PS BPM	342	<i>An act to amend Sections 19994.30 and 19994.33 of, to amend the heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of, to add Chapter 32 (commencing with Section 7596) to Division 7 of Title 1 of, and to repeal Sections 19994.31 and 19994.32 of, the Government Code, relating to tobacco</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 855 (Firebaugh)	<p><b>Telecommunications: access to state property for wireless facilities: California Teleconnect Fund Administrative Committee Fund: Digital Divide Account</b></p> <p><b>Summary:</b> Requires the Director of the DGS, within 120 days of its operative date, to compile and maintain an inventory of state-owned real property that may be available for lease to providers of wireless telecommunications services for location of wireless facilities. It would add provisions of law limiting the lease of state property to wireless telecommunications service providers to 10 years, with five-year renewals.</p> <p>The bill also requires that 15 percent of the revenues from fees collected from leases to wireless telephone companies be deposited into the Digital Divide Account, which this bill would create. Monies in the Digital Divide Account would be available, upon appropriation by the Legislature to the Public Utilities Commission, to finance digital divide projects.</p>	TD	820	<p><i>An act to add Section 14666.8 to the Government Code, to amend Section 280 of, and to add Section 280.5 to, the Public Utilities Code, relating to telecommunications</i></p>
AB 862 (Firebaugh)	<p><b>Personal services contracts: legal services</b></p> <p><b>Summary:</b> Makes changes to the current notification requirements of legal service contracts entered into by state agencies. These provisions will provide timely notice to the designated representative of State Employees Bargaining Unit 2 (California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment) when the state contracts for legal services.</p>	OLS	883	<p><i>An act to add Section 11045 to the Government Code, relating to state contracts</i></p>
AB 902 (Diaz)	<p><b>Public contracts: subcontractor substitution</b></p> <p><b>Summary:</b> Allows an awarding authority to consent to a subcontractor substitution when the subcontractor listed in the bid fails or refuses to execute a written contract for the scope of work and price specified in the subcontractor's bid.</p>	PM	180	<p><i>An act to amend Section 4107 of the Public Contract Code, relating to public contracts</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 976 (Montanez)	<b>Victims of crime: authorized representative</b>  <b>Summary:</b> Authorizes the Victim Compensation and Government Claims Board to recognize an “authorized representative” of the victim or derivative victim, as defined. (Urgency Clause—effective date is September 4, 2003).	CVCGCB	281	<i>An act to amend Section 13952 of the Government Code, relating to victims of crime, and declaring the urgency thereof, to take effect immediately</i>
AB 977 (Diaz)	<b>State employees: memoranda of understanding: State Bargaining Unit 9</b>  <b>Summary:</b> Provides for the ratification of a memorandum of understanding entered into between the state employer and State Bargaining Unit 9 and the expenditure of funds except for specified provisions related to an increase of salary or compensation. This agreement is effective July 2, 2003, to July 2, 2008.	OHR	616	<i>An act to add Section 20035.10 and 22825.10 to the Government Code, relating to state employees</i>
AB 1008 (Dutton)	<b>Public school facilities funding: hazardous materials evaluation and removal</b>  <b>Summary:</b> Authorizes the State Allocation Board to provide additional new construction funds to a school district if, as a result of additional requirements imposed by the Department of Toxic Substances Control, the actual costs paid by the district for allowable hazardous materials evaluation and removal exceeds the amount of the grant apportioned for this purpose.  This additional apportionment is capped by the provision in existing law that limits the state’s share for site acquisition and clean-up to 50 percent of 150 percent of the fair market value of the site as an uncontaminated site.	OPSC	570	<i>An act to add Section 17072.14 to the Education Code, relating to public schools</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1124 (Nunez)	<b>School facilities maintenance and repair</b>  <b>Summary:</b> Requires that one priority for the use of certain maintenance funds be used to ensure that school facilities, including but not limited to, restroom facilities for pupils are functional and meet local hygiene standards applied to public facilities.	OPSC	358	<i>An act to add Sections 17070.755 and 17584.3 to the Education Code, relating to public schools</i>
AB 1211 (Nakano)	<b>Public safety: communication system</b>  <b>Summary:</b> Clarifies that the activities and recommendations of the state Public Safety Radio Strategic Planning Committee are not to be construed as a requirement that local government agencies conform their radio systems to those recommendations. The bill also makes other minor, technical changes.	TD	314	<i>An act to amend Sections 8592.1, 8592.2, 8592.3, and 8592.4 of, the Government Code, relating to public safety</i>
AB 1244 (Chu)	<b>School facilities funding: modernization</b>  <b>Summary:</b> This bill: (1) allows an additional apportionment to be made for the modernization of permanent school facilities every 25 years following the date of the previous apportionment; and (2) allows an additional apportionment to be made for the modernization of portable classrooms every 20 years following the date of the previous apportionment. The second apportionment can only be used to replace a 40-year old portable, not modernize it, unless a district is able to document that modernizing the portable is a better use of public resources. Further, the bill requires a district to certify that the existing eligible portable classroom which is to be replaced will be removed from any classroom use.	OPSC	572	<i>An act to amend Sections 17073.15, 17073.20, and 17074.10 of the Education Code, relating to school facilities</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1302 (Simitian)	<b>Claims against the state: appropriation</b>  <b>Summary:</b> Appropriates \$428,000 from the General Fund to the Executive Officer of the California Victim Compensation and Government Claims Board (Board) for the payment of Claim No. G537834 (in the matter of Quedellis Ricardo Walker) upon approval of this claim by the Board. If the Board determines that the amount to pay this claim is less than the amount appropriated, any remaining moneys from this appropriation shall revert back to the General Fund on June 30 of the fiscal year in which the final payment of the claim is made. (Urgency Clause—effective date is September 22, 2003).	CVCGCB	475	<i>An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>
AB 1368 (Kehoe)	<b>Bonds</b>  <b>Summary:</b> Establishes an annual reporting process for various expenditures associated with General Obligation bond measures approved by voters on or after January 1, 2004. Specifically, the bill requires the head of the lead state agency administering bond proceeds to report annually to the Legislature and the state Department of Finance.	OPSC	770	<i>An act to add Section 16724.4 to the Government Code, relating to bonds</i>
AB 1407 (Wolk)	<b>Solar energy systems</b>  <b>Summary:</b> Prevents a public entity that prohibits the installation of reasonable solar energy systems within its jurisdiction from receiving state grants or loans for solar energy systems. The bill also requires public entities to certify that they have not imposed such restrictions when applying for state solar energy grants or loans.	DSA	290	<i>An act to amend Section 714 of the Civil Code, relating to solar energy</i>
AB 1545 (Simitian)	<b>Environmental quality: public comments</b>  <b>Summary:</b> Requires lead agencies under the California Environmental Quality Act (CEQA) to accept comments sent by e-mail as equivalent to written comments, requires that laws and regulations relating to written comments also apply to e-mailed comments, and authorizes e-mail notices under CEQA.	PS	695	<i>An act to amend Sections 21091 and 21092.2 of the Public Resources Code, relating to environmental quality</i>



BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1570 (Committee on Business and Professions)	<b>Public agencies</b>  <b>Summary:</b> This bill, sponsored by the DGS, has two parts. First, it enables the DGS to develop uniform policies, procedures, and processes to apply to all state contracts and procurements to ensure the outcomes are consistent and fair and foster competition. Second, it authorizes the DGS to exchange properties on block 222 in the City of Sacramento between the Department of Veterans Affairs, the DGS, and the University of California for the purpose of constructing student housing.	PS PD	402	<i>An act to amend Section 10313 of the Public Contract Code, relating to public agencies</i>
AB 1573 (Corbett)	<b>School construction: design-build</b>  <b>Summary:</b> Requires the project inspector of a K-12 sponsored design-build project to act under the direction of either the Director of the DGS or a competent, qualified agent of the school district.	DSA	53	<i>An act to amend Section 17250.35 of the Education Code, relating to school construction</i>
AB 1631 (Salinas)	<b>School facilities funding: replacement buildings</b>  <b>Summary:</b> Eliminates the requirement in existing law that a school district must be operating on a multi-track year-round schedule in order to be eligible to receive a supplemental grant for any project when it plans to demolish an existing single-story building and replace it with a multi-story building.	OPSC	904	<i>An act to amend Section 17071.46 of the Education Code, relating to public schools</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1731 (Committee on Housing and Community Development)	Buildings and housing  <b>Summary:</b> Among other things, one provision of the bill cleans-up the State Historic Building Code (SHBC) (Health and Safety Code, Div. 13, Part 2.7) so the statutes can fulfill their original purpose and intent. These technical and clarifying changes to the SHBC will eliminate inconsistencies in wording between the various sections and provides clarity to the definition of a qualified historical building or structure.	DSA	504	<i>An act to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, 18961, and 33333.6 of the Health and Safety Code, relating to buildings and housing</i>
AB 1754 (Committee on Budget)	Education finance  <b>Summary:</b> This is the Education Budget Trailer Bill for 2003/04. There are two provisions in the bill that deal with the School Facilities Act of 1998 (Act).  Existing law requires a school district that receives funds under the Act to establish a restricted account and deposit an amount equal to or greater than three percent of the district's general fund into the account for the purpose of ongoing and major maintenance. This bill instead provides that for the 2003/04 fiscal year the amount to be deposited into the fund shall be equal to two percent of the district's general fund expenditures.  Existing law also requires the governing board of a school district to submit a report to the Legislature in any year in which the school district does not set aside 0.5 percent of its current revenue limit for the deferred maintenance of the district. This bill would make the requirement for a report inoperative for the 2003/04 fiscal year. (Urgency Clause—effective date is August 11, 2003).	OPSC	227	<i>An act to amend Sections 2557.5, 2558, 8222.5, 10554, 13030, 14002.1, 37253, 41203.1, 41203.1, 41975, 42238.12, 42239.1, 42239.15, 42241.7, 42243.7, 44395, 48005.10, 48005.13, 48005.15, 48005.25, 48005.30, 48005.35, 48005.45, 48005.55, 69618.9, 76300, 99234, and 99235 of, and to add Sections 2558.46, 17070.76, 33128.3, 42238.146, 84321, and 84322 to, the Education Code, to add Section 7576.5 to the Government Code, and to amend Section 39 of, and to repeal Section 51 of, Chapter 1167 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1756 (Committee on Budget)	State government	OFS OL PD PM	228	<i>An act to amend Sections 5081, 5802, 5082.2, and 5131 of, and to repeal and add Section 5082.1 of, the Business and Professions Code, to amend Sections 1532, 1540, 1541, and 1542 of the Code of Civil Procedure, to amend Sections 935.7, 15372.86, 17526, and 22825.01 of, to add Sections 12406, 13332.06, and 15312.5 to, to add Article 9.5 (commencing with Section 16428.1) to Chapter 2 of Part 2 of Division 4 of Title 2 of, and to repeal Sections 29145 and 43402 of, the Government Code, to amend Sections 25192, 25249.12, 50710.1, and 53533 of, and to add Section 53534 to, the Health and Safety Code, to amend Sections 62.5, 139.2, 3716, 3716.1, 3728, 4753.5, 4755, and 1777.5 of, to add Sections 4350 and 4355 to, to repeal Section 3729 of, to repeal the heading of Article 1 (commencing with Section 4351) of Chapter 10 of Part 1 of Division 4 of, and to repeal Article 3 (commencing with Section 4381) of Chapter 10 of Part 1 of Division 4 of, the Labor Code, to add Section 1033.2 to the Military and Veterans Code, to add Section 6611 to the Public Contract Code, to amend Sections 40433, 42873, 42885.5, and 71040 of, and to add Section 40409 to, the Public Resources Code, to amend Section 280 of, and to add Section 321.1 to, the Public Utilities Code, to amend Section 18409 of, and to add Sections 18621.9 and 19170 to, the Revenue and Taxation Code, to add Section 104.19 to the Streets and Highways Code, and to amend Section 6 of Chapter 213 of the Statutes of 2000, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>
<p><b>Summary:</b> This budget trailer bill makes the statutory changes necessary for implementation of the Budget Act of 2003 relative to state government administration. Among other things, the bill would do the following:</p> <p>Section 40—would authorize the DGS to establish a negotiation process that may be used during various stages of the procurement process when the department procures goods, services, construction services, or information technology for itself or on behalf of another state agency. This bill would authorize the use of this negotiation process only when the department makes specified findings regarding the procurement. Technical clean-up provisions to this section were made in Section 9 of AB 296 (Ch. 757, Statutes of 2003).</p> <p>Section 55 would make findings and declarations and state the intent of the Legislature that the DOF, in assisting the Governor in preparing the state's 2004-05 Budget, not include funding for specified purposes. Among other things, the DOF shall not include any proposed funding for General Fund capital outlay, beyond a minimal amount of \$50,000,000 for emergencies and contingencies.</p> <p>Section 56 authorizes the Director of Finance to reduce appropriations and to reallocate funds among appropriations available to each department. (Urgency Clause—effective date is August 11, 2003).</p>				

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1757 (Committee on Budget)	State agencies	CVCGCB MS OL	229	<p><i>An act to amend Sections 14030.2, 14037.6, and 14060.6 of the Corporations Code, to amend Sections 12800, 14669.21, 63021, and 63024 of, to add Part 4.7 (commencing with Section 13995) of Division 3 of Title 2 to, to add Part 10.2 (commencing with Section 15710) to Division 3 of Title 2 of, to add Part 10.2 (commencing with Section 15710) to Division 3 of Title 2 of, to repeal Section 13997.1 of, and to repeal Part 6.7 (commencing with Section 15310) of Division 3 of Title 2 of, the Government Code, to add Part 14 (commencing with Section 37980) to Division 24 of the Health and Safety Code, and to amend Sections 273.82, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 1174.2, 1191.21, 6241, 11160, 11161.2, 11166.9, 11171, 11501, 11502, 11504, 13100.1, 13800, 13812, 13823, 13823.12, 13823.13, 13823.15, 13823.16, 13823.2, 13823.4, 13823.5, 13823.9, 13823.93, 13825, 13826.1, 13826.15, 13826.62, 13826.7, 13830, 13832, 13833, 13835.2, 13835.6, 13835.7, 13836, 13836.1, 13837, 13843, 13844, 13846, 13847, 13847.2, 13848.2, 13848.4, 13848.6, 13851, 13854, 13861, 13864, 13876, 13879, 13879.5, 13881, 13897.2, 13897.3, 13901, 14111, 14112, 14117, 14118, 14119, 14120, 14121, 14140, and 14172 of, to amend and renumber Section 13825.10 of, to repeal Sections 13821 and 13822 of, and to repeal and add Section 13820 of, the Penal Code, relating to state agencies</i></p>
	<p><b>Summary:</b> Abolishes the Technology, Trade, and Commerce Agency and transfers the Office of Military Base Reuse and Retention to the Department of Housing and Community Development. SB 962 (Knight), which is currently pending in the Legislature, would transfer the Office of Military Base Reuse and Retention to the State and Consumer Services Agency in January 2005.</p> <p>In addition, the bill abolishes the Office of Criminal Justice Planning (OCJP). The existing duties of OCJP would be transferred to other agencies according to a plan provided to the Legislature by October 1, 2003. Until an agency is designated, the victims' services functions of OCJP shall be transferred to the Victim Compensation and Government Claims Board.</p>			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1758 (Committee on Budget)	<p><b>Corrections</b></p> <p><b>Summary:</b> Existing law authorizes the Director of the DGS to purchase, exchange, or otherwise acquire real property and construct facilities within the County of Sacramento or the City of West Sacramento, for use by the Department of Corrections and other state agencies. The DGS is authorized to enter into a lease-purchase, or a lease with an option to purchase the facilities, or to contract for the acquisition, design, design-build, construction, construction management, and other services related to the design and construction of the office and parking facilities.</p> <p>Among other things, this bill would repeal those provisions. (Urgency Clause—effective date is August 2, 2003).</p>	OL PS	158	<p><i>An act to amend Sections 30061 and 30070 of, to add Section 19851.1, to, and to repeal Section 14669.20 of, the Government Code, to amend Sections 6035, 6036, 6040, 6051, and 6129 of, and to repeal Sections 6037, 6041, 6042, and 6043 of, the Penal Code, and to amend Sections 912 and 912.1 of the Welfare and Institutions Code, relating to corrections, and declaring the urgency thereof, to take effect immediately</i></p>
SB 15 (Alpert)	<p><b>School facilities</b></p> <p><b>Summary:</b> Authorizes additional allowances for modernization funding, modifies eligibility for joint-use funds, and provides for the distribution of Charter Schools Facilities Program funding expected from the 2004 state education bond.</p>	OPSC	587	<p><i>An act to amend Sections 17073.15, 17073.20, 17074.10, 17077.40, 17077.42, 17077.45, 17078.52, 17078.53, 17078.54, 17078.56, 17078.57, 17078.58, 17078.62, and 17078.64 of, to add Section 17078.66 to, and to repeal Section 17078.50 of, the Education Code, and to amend Section 65352.2 of the Government Code, relating to education facilities</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 20 (Sher)	<b>Solid waste: hazardous electronic waste</b>  <b>Summary:</b> Enacts the Electronic Waste Recycling Act of 2003 to provide for the convenient recycling of covered electronic devices in California.	PD	526	<i>An act to add Article 10.3 (commencing with Section 25214.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Article 4 (commencing with Section 41516) to Chapter 3.5 of Part 2 of, and Chapter 8.5 (commencing with Section 42460) to Part 3 of, Division 30 of the Public Resources Code, relating to hazardous and solid waste</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 41 (Bowen)	<p><b>Public contracts: services</b></p> <p><b>Summary:</b> Chapter 1122, Statutes of 2002 (SB 1467—Bowen) applied Public Contract Code (PCC) conflict of interest provisions and penalty provisions to the state's procurement of information technology goods and services, as well as procurement practices by the California State University and the University of California systems.</p> <p>SB 41 is a clean-up measure for SB 1467 of last session, making conforming and clarifying changes to various provisions of the PCC.</p>	PD	699	<p><i>An act to amend Sections 10430, 10515, 10518, and 10526 of, to add Article 2.5 (commencing with Section 10510.4) to Chapter 2.1 of, and to add Article 7.8 (commencing with Section 10830) to Chapter 2.5 of Part 2 of Division 2 of, the Public Contract Code, relating to public contracts</i></p>
SB 94 (Alpert)	<p><b>Claims against the state: appropriation</b></p> <p><b>Summary:</b> This bill, sponsored by the DGS, appropriates \$2,364,221.03 from the General Fund and various special funds to pay 598 claims that have been approved by the Victim Compensation and Government Claims Board. This bill is a re-introduction of AB 3019 (Assembly Budget Committee). (Urgency clause—effective date April 29, 2003).</p>	CVCGCB	7	<p><i>An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 95 (Alpert)	<b>Claims against the state: appropriation</b>  <b>Summary:</b> This bill, sponsored by the DGS, appropriates \$1,288,372.67, from the General Fund and various special funds to pay 619 claims that have been approved by the Victim Compensation and Government Claims Board. (Urgency Clause—effective date August 11, 2003).	CVCGCB	232	<i>An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>
SB 110 (Margett)	<b>Public contracts: contract specifications</b>  <b>Summary:</b> Adds clarity to existing provisions of the Public Contract Code governing the substitution of materials on public works projects.	PM	233	<i>An act to amend Sections 3400 and 10129 of the Public Contract Code, relating to public contracting</i>
SB 179 (Alarcon)	<b>Contracts for labor or services</b>  <b>Summary:</b> Provides that a person or entity (including governmental entities) may not enter into a contract for construction, farm labor, garment manufacturing, janitorial services, or security guard services, if they know or should know that the contract does not provide sufficient funds to comply with various local, state, and federal labor laws.	PS OHR BPM	908	<i>An act to add Section 2810 to the Labor Code, relating to contracts for labor or services</i>



BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 180 (Burton)	<b>Personal Income Tax Law: deductions: California Firefighters' Memorial Fund</b>  <b>Summary:</b> Permits the redirection of funds from the California Firefighters Memorial Fund income tax check-off to be used to support the maintenance and construction of the memorial to California firefighters in Capitol Park as well as ceremonies to honor fallen firefighters and provide an information guide for spouses and children of fallen firefighters detailing the survivor benefits.	BPM	189	<i>An act to amend Section 18803 of the Revenue and Taxation Code, relating to taxation</i>
SB 262 (Kuehl)	<b>Buildings: access: enforcement</b>  <b>Summary:</b> Would establish civil penalties for violations of disability access laws and requires the Division of the State Architect to establish a state certification program for disabled access specialists.	DSA	872	<i>An act to amend Section 4458 of, and to add Sections 4459.5, 4459.6, 4459.7, and 4459.8 to, the Government Code, and to amend Sections 19954 and 19958.5 of, and to add Section 19958.6 to, the Health and Safety Code, relating to building standards, and making an appropriation therefor</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 303 (Torlakson)	<b>Local agency facilities</b>  <b>Summary:</b> Existing law allows local governments to contract to purchase completed public facilities financed under the Mello-Roos Community Facilities Act.  This measure explicitly permits, but not requires local agencies purchasing facilities under this authority, to pay for the facility in phases rather than in a lump sum at the completion of the project.	PS	55	<i>An act to amend Section 17075.15 of the Education Code, and to amend Sections 53321 and 53345.8 of, and to add Section 53313.51 to, the Government Code, relating to local agency facilities</i>
SB 352 (Escutia)	<b>Schoolsites: sources of pollution</b>  <b>Summary:</b> Prohibits a local educational agency from approving the acquisition of a school site within 500 feet of a busy roadway unless the air quality at the site does not pose a health risk to pupils or staff.	OPSC	668	<i>An act to amend Section 17213 of the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to public schools</i>
SB 401 (Florez)	<b>Legislative investigations</b>  <b>Summary:</b> Changes the procedures relative to granting immunity to a witness compelled to give testimony or produce documents in a legislative proceeding despite the witness' assertion of the privilege against self-incrimination.	OLS	195	<i>An act to amend Section 9410 of the Government Code, relating to legislative committee hearings</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 478 (Dunn)	<b>Victims of crime: work absences for judicial proceedings</b>  <b>Summary:</b> Requires that an employer allow an employee who is a victim of crime, as defined, or certain persons who are related to a crime victim, to be absent from work in order to attend judicial proceedings related to the crime and would prohibit the employer from discharging or discriminating against that employee or employees.	CVCGCB	630	<i>An act to add Section 230.2 to the Labor Code, relating to employment</i>
SB 552 (Burton)	<b>State motor vehicle fleets</b>  <b>Summary:</b> Requires the DGS, in consultation with the state's Air Resources Board and the California Energy Commission to develop and adopt specifications and standards for all passenger cars and light-duty trucks that are leased or purchased on behalf of, or by, state offices, agencies, and departments.	OFA	737	<i>An act to add Section 25722.5 to the Public Resources Code, relating to state purchases</i>
SB 578 (Alarcon)	<b>Public contracts: sweatshop labor</b>  <b>Summary:</b> Imposes a series of requirements on contractors who are awarded state contracts for the procurement of equipment, materials, supplies, and garments. In addition, this bill requires that all state contractors comply with a "Sweatfree Code of Conduct".	PD	711	<i>An act to amend Section 6108 of the Public Contract Code, relating to public contracts</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 640 (Burton)	<b>Public contracts: expatriate corporations</b>  <b>Summary:</b> Prohibits state agencies from entering into any contract with a publicly-held expatriate corporation or its subsidiaries, except under specified circumstances.	PD	657	<i>An act to add Chapter 1.5 (commencing with Section 10286) to Part 2 of Division 2 of the Public Contract Code, and to amend Section 25111 of, and to add Section 25113 to, the Revenue and Taxation Code, relating to state contracts</i>
SB 777 (Escutia)	<b>Whistleblowers</b>  <b>Summary:</b> This bill provides additional "whistleblower" protections for refusal to perform unlawful conduct and for an employee's acts on a previous job. This bill requires the state's Attorney General to maintain a whistleblower hotline for corporate crime and regulatory misconduct and to refer calls to the appropriate investigative or regulatory agency.	OHR	484	<i>An act to amend Sections 1102.5 and 1106 of, and to add Sections 1102.6, 1102.7, 1102.8, and 1102.9 to, the Labor Code, relating to whistleblowers</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 856 (Committee on Governmental Organization)	<b>State property</b>  <b>Summary:</b> This is the annual surplus property bill sponsored by the DGS. The significant transactions in this bill are: (1) authorization for the Director of the DGS, with the approval of the Public Works Board, to sell, exchange, lease, or transfer the armories located in San Jose, Calexico, and Quincy; (2) authorization for the Director of the DGS, with the approval of the Adjutant General, to sell the armory in Salinas to the City of Salinas for no less than 50 percent of market value; and (3) authorization for the DGS, with the concurrence of the Adjutant General, to lease approximately four acres of the San Diego Armory for a community purpose subject to terms and conditions that are in the best interest of the state and for a period not to exceed 25 years. In addition, the bill makes a technical, non-substantive change to the Government Code.	PS	258	<i>An act to amend Section 14763 of the Government Code, relating to state property</i>
SB 892 (Murray)	<b>School restrooms</b>  <b>Summary:</b> Requires every school in a school district, as a condition of receipt of state apportionments from the State Deferred Maintenance School Fund, to have restroom facilities that are open at all times during school hours, maintained and cleaned regularly, fully operational, and stocked at all times with soap and paper supplies.	OPSC	909	<i>An act to add Section 35292.5 to the Education Code, relating to public schools</i>
SB 911 (Alpert)	<b>Local emergency telephone systems: 911 Administrative Board</b>  <b>Summary:</b> Creates the State 911 Advisory Board (Board) within state government to advise the DGS on policies, practices, and procedures related to the 911 system. The Board would be comprised of members appointed by the Governor from recommendations made by state and local public safety agencies, the Chief of the DGS' 911 Office, and the California Highway Patrol.	TD	631	<i>An act to add Section 53115.1 to, to repeal Section 53100.5 of, and to repeal and add Section 53115.2 of, the Government Code, relating to emergency services</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 940 (Escutia)	<p><b>Courts: fines and penalties: collection</b></p> <p><b>Summary:</b> This bill:</p> <ul style="list-style-type: none"> <li>expands Judicial Council's (Council) authority to pay for certain Administrative Office of the Courts expenses for participating courts directly from either the Trial Court Trust Fund or the Trial Court Improvement Fund, as specified;</li> <li>specifies how certain money received by counties from the collection of court-ordered fines, fees, penalties, and assessments are to be disbursed. This bill requires revenue from these debts to be disbursed among the county general fund, the Trial Court Improvement Fund, and the Trial Court Trust Fund;</li> <li>requires the Council to adopt guidelines for a comprehensive program for collecting court-ordered debts and mandates that the courts and counties develop plans to adopt those guidelines;</li> <li>requires the Council to establish a collaborative court-county working group on collections; and</li> <li>permits the Council to establish an amnesty program to waive the interest or collections costs on outstanding fines or assessments, upon a specified circumstance.</li> </ul>	CVCGCB	275	<i>An act to amend Sections 68085 and 77205 of the Government Code, and to amend Section 1463.010 of the Penal Code, relating to courts</i>
SB 973 (Machado)	<p><b>State property</b></p> <p><b>Summary:</b> Authorizes the DGS to enter into an agreement with federal authorities to sell, lease, or exchange land at the Northern California Women's Facility, which is a correctional institution under the jurisdiction of the California Department of Corrections, under conditions that are in the best interest of the state.</p>	PS	717	<i>An act to add Section 14669.7 to the Public Contract Code, relating to state property</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 1008 (Machado)	<b>Veterans: contracts: disabled veteran business enterprises</b>  <b>Summary:</b> The bill proposes measures intended to prevent contracts awarded to DVBEs acting as equipment brokers or agents from being counted toward an agency's three percent DVBE contract goal. It requires disabled veteran businesses to submit, at the time they apply for certification, copies of their state and federal income tax returns, as well as copies of their business enterprise income tax forms, and further requires copies of all tax returns filed post certification.	PD	632	<i>An act to amend Sections 999.2, 999.5, 999.7, and 999.9 of the Military and Veterans Code, and to add Section 10115.9 to the Public Contract Code, relating to veterans</i>
SB 1009 (Alpert)	<b>Use tax collection: public contracts: income tax forms</b>  <b>Summary:</b> Among other things, prohibits state agencies from contracting with any vendor or any of its affiliates unless they collect and remit California sales tax on all of its sales into California. The bill requires the contractor to provide the contracting state agency with a copy of its sales tax permit and its affiliates sales tax permit. The bill also exempts state agencies from this requirement if the state agency makes a written finding that forgoing these requirements is necessary to meet a "compelling state interest", as defined. The bill exempts the University of California, the Legislature, the courts, and any agency in the Judicial Branch of government from these provisions.	PD	718	<i>An act to add Section 10295.1 to the Public Contract Code, and to amend Sections 6487 and 7101 of, and to add Sections 6452.1, 6487.3, and 18510 to, the Revenue and Taxation Code, relating to taxation</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SBX1 18 (Chesbro)	<b>Education finance</b>  <b>Summary:</b> Existing law requires the State Allocation Board to apportion funds from the State School Deferred Maintenance Fund to school districts based on a local one-to-one match, up to a maximum amount based in part on the district's total expenditures and certain ending fund balances, excluding amounts expended for capital outlay or debt service. Among other things, this bill would waive the local match requirement for the 2002-03 fiscal year. (Urgency Clause—effective date is March 18, 2003).	OPSC	4	<i>An act to amend Sections 69995, 69997, and 69998 of, to amend, repeal, and add Section 41335 of, to add Sections 14041.5, 33128.1, 33128.2, and 41339.1 to, to add and repeal Section 60423 of, and to repeal and add Section 41330 of, the Education Code, to add Items 6110-301-0660 and 6110-497 to Section 2.00 of, and to add Section 12.65 to, Chapter 379 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>



## **LEGISLATIVE SUMMARY OF BILLS VETOED IN 2003**

## INDEX OF VETOED BILLS

<b>AB 274 (Koretz)</b> Employment.....	42
<b>AB 446 (Matthews)</b> State employees: wages.....	42
<b>AB 457 (McLeod, Negrete)</b> Public employees' retirement: early retirement incentives .....	42
<b>AB 487 (Frommer)</b> Rental vehicle fees .....	42
<b>AB 692 (Dutra)</b> Public contracts: design-build contracting: transportation authorities.....	43
<b>AB 697 (Maldonado)</b> State employees .....	43
<b>AB 799 (Horton, Shirley)</b> Aging programs: competitive bidding: exemptions.....	43
<b>AB 899 (Wiggins)</b> Public employment relations .....	43
<b>AB 1027 (Bermudez)</b> State employees: salary ranges: professional scientists .....	44
<b>AB 1051 (Goldberg)</b> Capital facilities fees .....	44
<b>AB 1093 (Lieber)</b> Living wage .....	44
<b>AB 1133 (Koretz)</b> Employment.....	44
<b>AB 1715 (Committee on Judiciary)</b> Employment arbitration agreements .....	45
<b>AB 1748 (Committee on Budget)</b> Public resources: California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.....	45
<b>SB 242 (Knight)</b> Community college facilities: building standards .....	45
<b>SB 278 (Ducheny)</b> Prisoners.....	46
<b>SB 556 (Sher)</b> Class size .....	46
<b>SB 588 (Johnson)</b> Education finance.....	46
<b>SB 605 (McPherson)</b> Public safety: communication equipment.....	46
<b>SB 933 (Dunn)</b> Victims of wrongful or coerced repatriation .....	47

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 274 (Koretz)	<b>Employment</b>  <b>Summary:</b> Would have created a rebuttable presumption that a person's action to discharge, demote, suspend, or reduce the hours of an employee is retaliatory if it occurs within 60 days after the employee has exercised any rights enumerated under the Labor Code.	OHR	Vetoed	<i>An act to add Section 1182.9 to the Labor Code, relating to employment</i>
AB 446 (Matthews)	<b>State employees: wages</b>  <b>Summary:</b> Would have established requirements for the timely payment of wages of state employees and provided civil and misdemeanor penalties for violations of those requirements.	OHR	Vetoed	<i>An act to amend Sections 215 and 220 of, and to add Section 210.1 to, the Labor Code, relating to state employees</i>
AB 457 (McLeod, Negrete)	<b>Public employees' retirement: early retirement incentives</b>  <b>Summary:</b> Would have provided early retirement incentives for state, local, and school employees who are members of California Public Employees Retirement System. In addition, it would have provided an additional two years of service and two years of age (2+2) for members retiring within a specified time period to be designated by the Director of the Department of Finance.	OHR	Vetoed	<i>An act to add and repeal Sections 20901.5, 20901.6, 20902.6, 20904.5, and 31641.06 of, and to repeal, add, and repeal Section 20903.5 of, the Government Code, relating to public employees' retirement</i>
AB 487 (Frommer)	<b>Rental vehicle fees</b>  <b>Summary:</b> Would have allowed rental car companies to recoup new increased vehicle license fee costs from consumers. It also would have required rental car companies to charge an impact fee to be deposited in the State Highway Account to fund road improvement and traffic congestion relief projects near airports and tourist destinations.	OFA	Vetoed	<i>An act to add Section 1936.3 to, and to add and repeal Sections 1936.2 and 1936.4 of, the Civil Code, relating to rental vehicle fees, and making an appropriation therefor</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 692 (Dutra)	<b>Public contracts: design-build contracting: transportation authorities</b>  <b>Summary:</b> Would have authorized specified local transportation authorities to enter into design-build contracts for a limited period according to specified procedures and requirements.	PM	Vetoed	<i>An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts</i>
AB 697 (Maldonado)	<b>State employees</b>  <b>Summary:</b> Would have revised the definition of "meet and confer" as it is used in the Bill of Rights for State Excluded Employees (BRSEE) to require that the state fully consider the presentations made by organizations representing excluded employees prior to reaching a decision and would have made other minor technical changes to the BRSEE statutes.	OHR	Vetoed	<i>An act to amend Sections 3526, 3528, 3531, 3532, 3533, 3534, and 3538 of the Government Code, relating to state employees</i>
AB 799 (Horton, Shirley)	<b>Aging programs: competitive bidding: exemptions</b>  <b>Summary:</b> Would have allowed area agencies on aging to be exempt from the competitive bidding process on continuing contracts for the Alzheimer's Day Care Resource Center Program and the Linkages Program. These types of contracts are primarily subvention in nature in that they provide care for a particular segment of the population.	OLS	Vetoed	<i>An act to amend Sections 9542 and 9545 of the Welfare and Institutions Code, relating to aging</i>
AB 899 (Wiggins)	<b>Public employment relations</b>  <b>Summary:</b> Would have extended binding arbitration rights over economic disputes to firefighters of the Department of Forestry and Fire Protection and clarified the application of provisions of AB 1357 (Wiggins, Chapter 1132, Statutes of 2002), relating to personal services contracts in state-leased buildings.	BPM PS OLS	Vetoed	<i>An act to amend Section 1299.3 of the Code of Civil Procedure, and to amend Section 19134 of the Government Code, relating to public employment relations</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 1027 (Bermudez)	<b>State employees: salary ranges: professional scientists</b>  <b>Summary:</b> Would have required the Department of Personnel Administration and the California Association of Professional Scientists to jointly survey scientific classifications in various California public agencies.	OHR	Vetoed	<i>An act to add Sections 19826.2 and 19827.4 to the Government Code, relating to state employees</i>
AB 1051 (Goldberg)	<b>Capital facilities fees</b>  <b>Summary:</b> Would have altered the authorization, notice and disclosure, statute of limitation, validating suits, burden of proof, litigation, and statutory definitions relating to public agency utility services and how rates are set.	PS	Vetoed	<i>An act to amend Section 54999.1 of, to add Section 54999.7 to, and to add and repeal Section 54999.8 of, the Government Code, relating to local government</i>
AB 1093 (Lieber)	<b>Living wage</b>  <b>Summary:</b> Would have enacted the California Living Wage Act. The measure would have required the state and any qualified contractor or subcontractor that performs work under specified contracts for a state agency, to pay not less than a living wage to each of its employees.	OLS	Vetoed	<i>An act to add Section 19830.5 to the Government Code, and to add Article 13 (commencing with Section 10480) to Chapter 2 of Part 2 of the Public Contract Code, relating to living wages</i>
AB 1133 (Koretz)	<b>Employment</b>  <b>Summary:</b> Would have imposed an automatic penalty equal to 100 percent of the original judgment for every six months that employers do not pay wage and hour judgments rendered against them.	OHR	Vetoed	<i>An act to add Section 241 to the Labor Code, relating to employment</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 1715 (Committee on Judiciary)	<b>Employment arbitration agreements</b>  <b>Summary:</b> Would have made it an unlawful employment practice for an employer that has five or more employees to require an employee to waive any rights or procedures under the Fair Employment and Housing Act as a condition of employment.	OHR	Vetoed	<i>An act to amend Section 1281 of the Code of Civil Procedure, and to add Section 12952 to the Government Code, relating to employment arbitration</i>
AB 1748 (Committee on Budget)	<b>Public resources: California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002</b>  <b>Summary:</b> Would have provided for public review of state agency acquisition of conservation lands. In addition, it would have required the Secretary of the Resources Agency to delegate his or her responsibilities for the administration of the river parkway and the Sierra Nevada-Cascade programs.	PS	Vetoed	<i>An act to add Chapter 1.695 (commencing with Section 5096.500) to Division 5 of the Public Resources Code, and to add Sections 79541.1, 79541.2, 79541.3, 79541.4, 79541.5, and 79544.1 to the Water Code, relating to public resources, and making an appropriation therefor</i>
SB 242 (Knight)	<b>Community college facilities: building standards</b>  <b>Summary:</b> Would have allowed for a community college building to be built in accordance with either the Field Act or the California Building Standards Code under specified conditions. These provisions would have applied to buildings constructed after January 1, 2004.	DSA	Vetoed	<i>An act to amend Section 81130.3 of, and to add Article 3 (commencing with Section 81050) to Chapter 1 of Part 49 of, the Education Code, relating to community colleges</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
SB 278 (Ducheny)	<b>Prisoners</b>  <b>Summary:</b> Among other things, would have required the Department of Corrections adopt best practices standards for pharmaceuticals established by recognized medical organizations. At a minimum, the best practices would address the following: (1) utilization and prescribing of generic medications; (2) cost-effective policies regarding the procurement and prescribing of branded medications; (3) policies to assure that medications are being prescribed consistent with community standards; and (4) Treatment Algorithms for specified classes of drugs consistent with community standards.	PD	Vetoed	<i>An act to amend Section 3041 of, and to add Title 2.5 (commencing with Section 3550) to Part 3 of, the Penal Code, relating to prisoners</i>
SB 556 (Sher)	<b>Class size</b>  <b>Summary:</b> Among other things, would have authorized a school district to use funds that would otherwise have been deposited in a school district's deferred maintenance fund as a local contribution for the fiscal year 2003-04, to supplement, as necessary, state funding for the Class Size Reduction Program in the 2003-04 school year to avoid reduction or elimination of the Program.	OPSC	Vetoed	<i>An act to amend, add, and repeal Section 52124 of the Education Code, relating to class size</i>
SB 588 (Johnson)	<b>Education finance</b>  <b>Summary:</b> Would have authorized a school district, until January 1, 2006, to sell, lease, or leaseback certain surplus real and personal property owned by the district for a specified length of time, and use the proceeds from this transaction for any one-time General Fund purpose.	OPSC	Vetoed	<i>An act to add and repeal Section 17463.5 of the Education Code, relating to school finance</i>
SB 605 (McPherson)	<b>Public safety: communication equipment</b>  <b>Summary:</b> Would have required state agencies that purchase public safety radio equipment to ensure that the equipment purchased complied with the interoperability communications standards of Suite 102 or the later standard of the American National Standards Institute and the Telecommunications Information Association. The bill would have also exempted state agencies that use low band frequencies if it is necessary to maintain those systems to ensure statewide interoperability of those systems. The bill would have added the Governor's Office of Homeland Security to the Public Safety Radio Strategic Planning Committee.	TD	Vetoed	<i>An act to amend Section 8592.1 of, and to add Section 8592.6 to, the Government Code, relating to public safety</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
SB 933 (Dunn)	<b>Victims of wrongful or coerced repatriation</b>  <b>Summary:</b> Would have provided that certain persons of Mexican descent who were repatriated to Mexico against their will during the Great Depression, or their heirs or beneficiaries, may sue for damages for harm caused by the involuntary repatriation in any court of competent jurisdiction in the state, and that any such claim shall not be dismissed for failure to comply with the applicable statute of limitations, provided that the claim is filed on or before December 31, 2006.	CVCGCB	Vetoed	<i>An act to add Section 354.9 to the Code of Civil Procedure, relating to civil actions</i>